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**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

ERIC AUSTIN, individually and on  
behalf of all others similarly situated,

Plaintiff,

vs.

SRA ASSOCIATES, INC.; DOES 1-  
100, AND EACH OF THEM,  
Defendant(s).

) Case No.

) **CLASS ACTION**

) **COMPLAINT FOR VIOLATIONS  
OF:**

1. NEGLIGENT VIOLATIONS  
OF THE TELEPHONE  
CONSUMER PROTECTION  
ACT [47 U.S.C. §227 ET  
SEQ.]
2. WILLFUL VIOLATIONS  
OF THE TELEPHONE  
CONSUMER PROTECTION  
ACT [47 U.S.C. §227 ET  
SEQ.]

) **DEMAND FOR JURY TRIAL**

Plaintiff ERIC AUSTIN ("Plaintiff"), individually and on behalf of all  
others similarly situated, alleges the following upon information and belief based  
upon personal knowledge:



1 defined by *47 U.S.C. § 153 (10)*.

2 **FACTUAL ALLEGATIONS**

3 6. Beginning in and around October 2015, Defendant contacted  
4 Plaintiff on his cellular telephone, ending in -6326, in an attempt to collect an  
5 alleged outstanding debt.

6 7. Defendant utilized an “artificial or prerecorded voice” as prohibited  
7 by *47 U.S.C. § 227(b)(1)(A)*.

8 8. Defendant used an “automatic telephone dialing system”, as defined  
9 by *47 U.S.C. § 227(a)(1)* to place its daily calls to Plaintiff seeking to collect the  
10 debt allegedly owed

11 9. Defendant’s calls constituted calls that were not for emergency  
12 purposes as defined by *47 U.S.C. § 227(b)(1)(A)*.

13 10. Defendant’s calls were placed to telephone number assigned to a  
14 cellular telephone service for which Plaintiff incurs a charge for incoming calls  
15 pursuant to *47 U.S.C. § 227(b)(1)*.

16 11. Accordingly, Defendant never received Plaintiff’s “prior express  
17 consent” to receive calls using an automatic telephone dialing system or an  
18 artificial or prerecorded voice on her cellular telephone pursuant to *47 U.S.C. §*  
19 *227(b)(1)(A)*.

20 12. In October 2015, Plaintiff requested that Defendant stop calling him.  
21 Defendant continued to call Plaintiff after November 2015.

22 **CLASS ALLEGATIONS**

23 13. Plaintiff brings this action individually and on behalf of all others  
24 similarly situated, as a member of the proposed class (hereafter “The Class”)  
25 defined as follows:

26 All persons within the United States who received any  
27 collection telephone calls from Defendant to said  
28 person’s cellular telephone made through the use of any

1           automatic telephone dialing system or an artificial or  
2           prerecorded voice and such person had not previously  
3           consented to receiving such calls within the four years  
4           prior to the filing of this Complaint

5           14. Plaintiff represents, and is a member of, The Class, consisting of All  
6           persons within the United States who received any collection telephone calls from  
7           Defendant to said person's cellular telephone made through the use of any  
8           automatic telephone dialing system or an artificial or prerecorded voice and such  
9           person had not previously not provided their cellular telephone number to  
10          Defendant within the four years prior to the filing of this Complaint.

11          15. Defendant, its employees and agents are excluded from The Class.  
12          Plaintiff does not know the number of members in The Class, but believes the  
13          Class members number in the thousands, if not more. Thus, this matter should be  
14          certified as a Class Action to assist in the expeditious litigation of the matter.

15          16. The Class is so numerous that the individual joinder of all of its  
16          members is impractical. While the exact number and identities of The Class  
17          members are unknown to Plaintiff at this time and can only be ascertained  
18          through appropriate discovery, Plaintiff is informed and believes and thereon  
19          alleges that The Class includes thousands of members. Plaintiff alleges that The  
20          Class members may be ascertained by the records maintained by Defendant.

21          17. Plaintiff and members of The Class were harmed by the acts of  
22          Defendant in at least the following ways: Defendant illegally contacted Plaintiff  
23          and Class members via their cellular telephones thereby causing Plaintiff and  
24          Class members to incur certain charges or reduced telephone time for which  
25          Plaintiff and Class members had previously paid by having to retrieve or  
26          administer messages left by Defendant during those illegal calls, and invading the  
27          privacy of said Plaintiff and Class members.

28          18. Common questions of fact and law exist as to all members of The

1 Class which predominate over any questions affecting only individual members  
2 of The Class. These common legal and factual questions, which do not vary  
3 between Class members, and which may be determined without reference to the  
4 individual circumstances of any Class members, include, but are not limited to,  
5 the following:

- 6 a. Whether, within the four years prior to the filing of this  
7 Complaint, Defendant made any collection call (other than a  
8 call made for emergency purposes or made with the prior  
9 express consent of the called party) to a Class member using  
10 any automatic telephone dialing system or any artificial or  
11 prerecorded voice to any telephone number assigned to a  
12 cellular telephone service;
- 13 b. Whether Plaintiff and the Class members were damages  
14 thereby, and the extent of damages for such violation; and
- 15 c. Whether Defendant should be enjoined from engaging in such  
16 conduct in the future.

17 19. As a person that received numerous collection calls from Defendant  
18 using an automatic telephone dialing system or an artificial or prerecorded voice,  
19 without Plaintiff's prior express consent, Plaintiff is asserting claims that are  
20 typical of The Class.

21 20. Plaintiff will fairly and adequately protect the interests of the  
22 members of The Class. Plaintiff has retained attorneys experienced in the  
23 prosecution of class actions.

24 21. A class action is superior to other available methods of fair and  
25 efficient adjudication of this controversy, since individual litigation of the claims  
26 of all Class members is impracticable. Even if every Class member could afford  
27 individual litigation, the court system could not. It would be unduly burdensome  
28 to the courts in which individual litigation of numerous issues would proceed.

1 Individualized litigation would also present the potential for varying, inconsistent,  
2 or contradictory judgments and would magnify the delay and expense to all  
3 parties and to the court system resulting from multiple trials of the same complex  
4 factual issues. By contrast, the conduct of this action as a class action presents  
5 fewer management difficulties, conserves the resources of the parties and of the  
6 court system, and protects the rights of each Class member.

7 22. The prosecution of separate actions by individual Class members  
8 would create a risk of adjudications with respect to them that would, as a practical  
9 matter, be dispositive of the interests of the other Class members not parties to  
10 such adjudications or that would substantially impair or impede the ability of such  
11 non-party Class members to protect their interests.

12 23. Defendant has acted or refused to act in respects generally applicable  
13 to The Class, thereby making appropriate final and injunctive relief with regard to  
14 the members of the California Class as a whole.

### 15 **FIRST CAUSE OF ACTION**

#### 16 **Negligent Violations of the Telephone Consumer Protection Act**

#### 17 **47 U.S.C. §227 et seq.**

18 24. Plaintiff repeats and incorporates by reference into this cause of  
19 action the allegations set forth above at Paragraphs 1-23.

20 25. The foregoing acts and omissions of Defendant constitute numerous  
21 and multiple negligent violations of the TCPA, including but not limited to each  
22 and every one of the above cited provisions of *47 U.S.C. § 227 et seq.*

23 26. As a result of Defendant's negligent violations of *47 U.S.C. § 227 et*  
24 *seq.*, Plaintiff and the Class Members are entitled an award of \$500.00 in  
25 statutory damages, for each and every violation, pursuant to *47 U.S.C. §*  
26 *227(b)(3)(B).*

27 27. Plaintiff and the Class members are also entitled to and seek  
28 injunctive relief prohibiting such conduct in the future.

**SECOND CAUSE OF ACTION**

**Knowing and/or Willful Violations of the Telephone Consumer Protection Act**

**47 U.S.C. §227 et seq.**

28. Plaintiff repeats and incorporates by reference into this cause of action the allegations set forth above at Paragraphs 1-27.

29. The foregoing acts and omissions of Defendant constitute numerous and multiple knowing and/or willful violations of the TCPA, including but not limited to each and every one of the above cited provisions of *47 U.S.C. § 227 et seq.*

30. As a result of Defendant's knowing and/or willful violations of *47 U.S.C. § 227 et seq.*, Plaintiff and the Class members are entitled an award of \$1,500.00 in statutory damages, for each and every violation, pursuant to *47 U.S.C. § 227(b)(3)(B)* and *47 U.S.C. § 227(b)(3)(C)*.

31. Plaintiff and the Class members are also entitled to and seek injunctive relief prohibiting such conduct in the future.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff requests judgment against Defendant for the following:

**FIRST CAUSE OF ACTION**

**Negligent Violations of the Telephone Consumer Protection Act**

**47 U.S.C. §227 et seq.**

- As a result of Defendant's negligent violations of *47 U.S.C. §227(b)(1)*, Plaintiff and the Class members are entitled to and request \$500 in statutory damages, for each and every violation, pursuant to *47 U.S.C. 227(b)(3)(B)*.
- Any and all other relief that the Court deems just and proper.

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**SECOND CAUSE OF ACTION**

**Knowing and/or Willful Violations of the Telephone Consumer Protection  
Act**

**47 U.S.C. §227 et seq.**

- As a result of Defendant's willful and/or knowing violations of 47 U.S.C. §227(b)(1), Plaintiff and the Class members are entitled to and request treble damages, as provided by statute, up to \$1,500, for each and every violation, pursuant to 47 U.S.C. §227(b)(3)(B) and 47 U.S.C. §227(b)(3)(C).
- Any and all other relief that the Court deems just and proper.

Respectfully Submitted this 4th day of April, 2016.

LAW OFFICES OF TODD M. FRIEDMAN, P.C.

By: /s/ Todd M. Friedman  
Todd M. Friedman  
Law Offices of Todd M. Friedman  
Attorney for Plaintiff